

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY  D.C.

05 SEP 16 PM 12:23

ROBERT S. BURCH,

Plaintiff
Counter-Defendant,

v.

Case No. 05-2182 D/P

GILLIAM COMMUNICATIONS,
INC., WLOK RADIO, INC., and
H.A. GILLIAM JR.,

Defendants
Counter-Plaintiffs.

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W/D OF TN, MEMPHIS

**ORDER DENYING THE MOTION OF ROBERT S. BURCH TO DISMISS
DEFENDANTS' COUNTERCLAIM**

Before the Court is the motion (dkt. # 8) of Robert S. Burch ("Plaintiff") to dismiss the counterclaims of Defendants, Counter-Plaintiffs Gilliam Communications, Inc., WLOK Radio, Inc., and H.A. Gilliam Jr. for breach of contract, breach of fiduciary duty, and intentional interference with business relationships. Burch asserts that Counter-Plaintiffs have failed to state claims for which relief can be granted in each of the three actions. The Court finds that the counterclaim states valid claims for breach of contract, breach of fiduciary duty, and intentional interference with business relationships. For the reasons set forth in the reasoned order to follow, Plaintiff's motion to dismiss Defendant's counterclaim is therefore **DENIED**.

IT IS SO ORDERED this 16 day of September, 2005.


BERNICE BOUIE DONALD
UNITED STATES DISTRICT COURT

This document entered on the docket sheet in compliance
with Rule 58 and 79(a) FRCP on 9/16/05

33



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Honorable Bernice Donald
US DISTRICT COURT